

ZONING HEARING BOARD MINUTES

February 4, 2025

Call to Order By: Chairman Chris Moyer

Members Present: Chris Moyer, Chris Neiles (for Case No. 250001), Ken Dombach and Nevin Greiner (for Case No. 250002)

Legal Representation: Jason Hess, ZHB Solicitor

Reorganization – Chairman, Chris Moyer. Vice-Chairman, Chris Neiles. Secretary, Ken Dombach.

Motion by Chris Neiles, 2nd by Chris Moyer to approve the minutes of the December 3, 2024, meeting. The vote was unanimous.

APPLICANTS: Sherwin & Carol Wenger

SITE ADDRESS: 504 N. Erisman Road

CASE NUMBER: 250001

REQUEST: special exceptions under Table 3-1.2 for: (1) a Conversion, two family dwelling; and (2) a Rural Occupation for storage of material and equipment relating to Applicants' construction business in an existing corn barn. The application also seeks variances from sections 350-608.X(3), (6) and (11) to allow more than one rural occupation on the same property, to allow an office for the construction business within the dwelling, and to exceed 50% impervious coverage for land devoted to the rural occupation.

ZHB Exhibit #1, Affidavit of Zoning Officer: Yes; ZHB Exhibit #2, Proof of Publication Yes
ZHB Exhibit #3, Copy of Posted Notice Yes
Property Posted on January 24, 2025

TESTIFYING FOR APPLICANT: Sherwin K. Wenger

Counsel for Applicant: Sheila O'Rourke – Gibbel, Kraybill & Hess LLP.

CONCERNS, COMMENTS AND QUESTIONS WERE HEARD FROM LEGAL COUNSEL AND THE APPLICANT.

Motion to close testimony and admit Exhibits by Chris Neiles, 2nd by Chris Moyer.

Motion by Chris Moyer, 2nd by Ken Dombach: to Approve special exceptions under Table 3-1.2 for: (1) a Conversion, two family dwelling; and (2) Rural Occupation for storage of material and equipment relating to Applicants' construction business in an existing corn barn and variances from sections 350-608.X(6) and (11) to allow an office for the construction business within the dwelling, and to exceed 50% impervious coverage for land devoted to the rural occupation with the standard conditions plus the following condition: The storage unit for the construction business and the existing storage units shall be operated as one rural occupation.

Vote was unanimous.

APPLICANTS: Pecks Holdings, LLC

SITE ADDRESS: Tax Parcel ID: 540-01765-0-0000

CASE NUMBER: 250002

Alternate Member Nevin Greiner substituted for Member Chris Neiles due to conflict of interest announced by Chris Neiles.

REQUEST: variances: (1) from Table 3-4.7 to allow display and storage of manufactured garage/shed structures within the 75 foot required setback and to eliminate the screening requirement for portions of the property across from the MHP Zone; (2) from Table 3-4.7 to allow display and storage of structures within the 50-feet setback requirement for the remaining East Main Street frontage; and (3) from Section 350-518.B.(3) to authorize the sales of structures manufactured off site on the Property as a second principal use.

Verification of required notices by Zoning Officer Drew Keller

ZHB Exhibit #1, Affidavit of Zoning Officer: Yes; ZHB Exhibit #2, Proof of Publication Yes

ZHB Exhibit #3, Copy of Posted Notice Yes

Property Posted on January 24, 2025

TESTIFYING FOR APPLICANT: Daniel Glick, owner of Glick Woodworks & Bill Swiernik – David Miller Associates.

COUNSEL FOR APPLICANT: Peter Wertz, McNees, Wallick & Nurick, LLC

CONCERNS, COMMENTS AND QUESTIONS WERE HEARD FROM LEGAL COUNSEL AND THE APPLICANT.

Motion to close testimony and admit Exhibits by Nevin Greiner, 2nd by Chris Moyer.

Motion by Nevin Greiner to approve in part and deny in part the requested variances as follows. (1) The requested variance from Section 350-518.B(3) to allow the sale of structures manufactured off-site as a second principal use was approved. (2) The requested variance from Table 3-4.7 to allow display and storage of manufactured garage/shed structures within the 50-foot setback requirement on portions of the property across the street from the IND and A zoned properties was denied: (3) The requested variance from Table 3-4.7 to allow a reduced setback of 25 feet for display and storage of structures within the 75-foot required setback was denied, but a modified variance was approved allowing a 50-foot setback for such display. (4) The requested variance under Table 3-4.7, Footnote 1 to remove the requirement to place a landscaped screening strip in the front yard setback was granted. The application was granted in part with the standard conditions plus the following additional condition: The sales of products manufactured off-site must remain secondary and subordinate to the principal use involving the on-site manufacturing and incidental storage, sales and distribution of such products manufactured on site.

Vote was unanimous.

Meeting adjourned at 10:11 pm.

Respectfully submitted:

Drew Keller
Zoning/Code Enforcement Officer